

**Honorable court of record
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA
Plaintiff

V.

SHANE C. BUCZEK, a U.S. TRUST
Defendant

shane-christopher: buczek,
as third-party intervener and Grantor / Beneficiary
Petitioner

08-CR-054-S

09-CR-121-S

09-CR-141-S

JUDICIAL NOTICE

**Of BOP Letter dated July 27, 2009
SHOWING *no quorum* was in place on
May 12, 1947 and Public Law 80-772 was
never constitutionally passed by Congress.
Court to take Judicial Notice under
Federal Rules of
Evidence 201(f)**

JUDICIAL NOTICE

**Of BOP Letter dated July 27, 2009 SHOWING *no quorum* was in place on May 12, 1947
and Public Law 80-772 was never constitutionally passed by Congress Court to take
Judicial Notice under Federal Rules of Evidence 201(f)**

Petitioner, shane-christopher: buczek, heretofore and hereafter "Petitioner",
notices the court to take Judicial Notice of **Evidence that the DOJ Admits the Invalidity of
Title 18 and 18 USC section 3231 (1948) And the Inability to Use the Prior Version of the
Statute from 1940 this court had absolutely no jurisdiction to prosecute Shane
Grantor/Beneficiary/Settlor under either 18 U.S.C. § 3231.** The fact that there was not a
proper sitting Constitutional quorum of Congress during the alleged passing of Title 18 and the
all of the above cases 08-cr-054, 09-cr-121 and 09-cr-141 does not have the proper sitting
Quorum Clause which is Constitutional matter. The Constitution must prevail, Article I, Section
5, and Clause 1. The plain language of the Constitution trumps any other possibility **under
Federal Rules of Evidence 201(f).** See exhibit "A" Transcripts January 16, 2009 Judge

09-CR-121-S

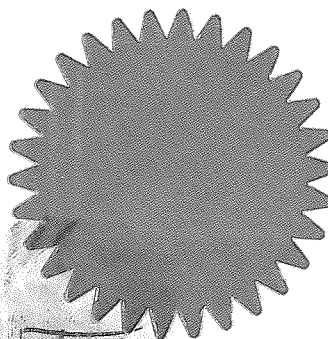
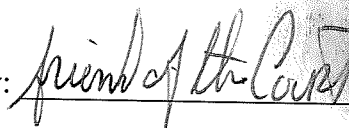
JUDICIAL NOTICE OF BOP LETTER JULY 27, 2009

Schroeder Jr. Page 11 line 9 -11 QUOTE “The Constitution of the United States is the highest law in the land”

I, shane-christopher: buczek, declare under penalties of perjury under the laws of these United States of America that the foregoing is true and correct to the best of my knowledge, is made in good faith and is admitted if not rebutted. I certify that the facts stated herein are true and correct under the penalty of perjury as provided by 28 USC Section 1746, that I am over the age of 18, and that I have the facts stated herein are true and correct.

In Trust,

By:



shane-christopher: buczek
as third party intervener and
Grantor/Beneficiary/Petitioner for:
SHANE C. BUCZEK a US TRUST
All rights reserved Without Prejudice
Without recourse UCC 1-308
September 14th, 2010

Exhibit “A” Transcripts January 16, 2009 Judge Schroeder Jr.

Exhibit “B” BOP Letter from Mr. Harley G. Lappin Director, Federal Bureau of Prisons

CERTIFICATE OF SERVICE

On this the 14th day of September 2010, a true and correct copy was personally 09-CR 121,09-CR-141, 08-CR-054 and **09-CV-1129** delivered to the Clerk of the Court and the Clerk will serve AUSA by electronic filing.

09-CR-121-S

JUDICIAL NOTICE OF BOP LETTER JULY 27, 2009

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EXHIBIT “A”

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA) 08-CR-54 (WMS)
)
vs.)
) Buffalo, New York
SHANE C. BUCZEK,) January 16, 2009
Defendant.) 9:54 a.m.
)
----- X

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

TERRANCE P. FLYNN, ESQ.
United States Attorney
BY: ANTHONY BRUCE, ESQ.
Assistant United States Attorney
138 Delaware Avenue
Buffalo, New York 14202

Shane Buczek, Pro Se

ALSO PRESENT: Zenaida Piotrowicz, U. S. Probation Office

AUDIO RECORDER: Llane M. Guidotti

TRANSCRIBER:

Christi A. Macri, FAPR, RMR, CRR, CRI
Kenneth B. Keating Federal Building
100 State Street
Rochester, New York 14614-0222

(Proceedings recorded by electronic sound recording, transcript produced by computer).

P R O C E E D I N G S

* * *

(WHEREUPON, the defendant is present).

THE CLERK: United States vs. Shane Buczek, docket number 08-CR-54. This is the initial appearance.

Assistant United States Attorney Anthony Bruce appearing on behalf of the Government.

Shane Buczek appearing pro se.

MAGISTRATE JUDGE SCHROEDER: Good morning.

MR. BRUCE: Good morning.

THE DEFENDANT: Good morning.

MR. BRUCE: Your Honor, as the Court is aware, last Friday Magistrate Judge McCarthy signed both a search warrant and an arrest warrant; the search warrant being for the defendant's residence, and the arrest warrant being both on information that we supplied to him indicating that there was probable cause to believe that the defendant had committed the crime of bank fraud, as well as a report -- Pretrial Services report, which I gathered went through your hands, and ultimately Judge McCarthy, indicating that the defendant has violated certain conditions of release.

He's here this morning. As the Court's aware, there's been a long-standing, kind of outstanding motion to revoke bail. I don't know exactly how to say it, but I would ask the Court to revoke based on the newest behavior, as well as the behavior, remand the defendant and set up a hearing.

1 it's a state-by-state basis. So what does that have to do with
2 the Department of Treasury?

3 THE DEFENDANT: The UCC is the highest law of the land.

4 MAGISTRATE JUDGE SCHROEDER: Who said that?

5 THE DEFENDANT: The Universal Commercial Code.

6 MAGISTRATE JUDGE SCHROEDER: Who said that?

7 THE DEFENDANT: Well, that's the information that I've
8 gathered.

9 * MAGISTRATE JUDGE SCHROEDER: The Constitution of the
10 United States is the highest law in the land. *

11 THE DEFENDANT: I agree with you, but I'm talking about
12 when it comes to the UN and international law. I agree with you,
13 Judge, and we can talk about this for hours, but the thing is, is
14 that all I'm doing is getting back to public policy.

15 And since there's no lawful money in existence,
16 Article 1, Section 10, no state shall emit bills of credit, make
17 any thing but gold and silver a tender in payment, and you know
18 that, Article 1, Section 10. Under House Resolution 192,
19 June 5th, 1933, at 4:40 in the afternoon Congress passed that,
20 that it's against public policy --

21 MAGISTRATE JUDGE SCHROEDER: What is against public
22 policy?

23 THE DEFENDANT: We're not lawful to pay for anything
24 under HR 192. And it's even in the gold clause, I believe it's
25 Title 31, Section 5118.

EXHIBIT “B”

FROM : LINDA MARIANO

PHONE NO. : 7048952899

May. 15 2010 07:58PM P1

Page 1 of 1

Harley G. Lappin

From: "Harley G. Lappin" <harley.lappin@usdoj.gov>
 Sent: Monday, July 27, 2009 3:17 PM



Attention all Department Heads, there has been a large volume of inmate Requests for Administrative Remedies questioning the validity of the Bureau's authority to hold or classify them under 18 U.S.C. §§ 4081, et seq., (1948). On the claim that Public Law 80-772 was never passed or signed in the presence of a Quorum or Majority of both Houses of Congress as required by Article I, § 5, Clause 1 of the Constitution. Although most courts have, thus far, relied on *Field v. Clark*, 143 U.S. 649 (1892) to avoid ruling on the merits of these claims, however, there have been some which have stated that they were not bound by the *Field* case, but those cases did not involve any Quorum Clause challenge. So out of an abundance of caution, I contacted the Office of Legal Counsel, the National Archives and the Clerk of the House of Representatives to learn that there is no record of any quorum being present during the May 12, 1947 vote on the H.R. 3190 Bill in the House (See 93 Cong.Rec. 5049), and the record is not clear as to whether there was any Senate vote on the H.R. 3190 Bill during any session of the 80th Congress. There is only one Supreme Court case that says in order for any bill to be valid the Journals of both Houses must show that it was passed in the presence of a Quorum. See *United States v. Ballin, Joseph & Co.*, 144 U.S. 1, 3 (1892). The Clerk of the House states that the May 12, 1947 vote was a 'voice vote,' but the Parliamentarian of the House states that a voice vote is only valid when the Journal shows that a quorum is present and that it's unlawful for the Speaker of the House to sign any enrolled bill in the absence of a quorum. On May 12, 1947, a presence of 218 Members in the hall of the House was required to be entered on the Journal in order for the 44 Member 38 to 6 voice vote to be legal. It appears that the 1909 version of the Federal Criminal Code has never been repealed. Therefore, in essence, our only true authority is derived from the 1948 predecessor to Public Law 80-772. "Although adjudication of the constitutionality of congressional enactments has generally been thought to be beyond the jurisdiction of federal administrative agencies, this rule is not mandatory," according to the Supreme Court in the case of *Thunder Basin Coal Co. v. Reich*, 510 U.S. 200, 215 (1994). Therefore, the Bureau under the advice of the Legal Counsel feels that it is in the best interest of public safety to continue addressing all of these Administrative Remedy Requests by stating that only the Congress or courts can repeal or declare a federal statute unconstitutional.

Harley G. Lappin
 Director, Federal Bureau of Prisons

7/27/2009



Nancy Erickson

Nancy Erickson was elected Secretary of the Senate when the Senate convened on January 4, 2007. She is the thirty-second person, and the sixth woman, to serve as Secretary of the Senate.

Erickson began her career in Washington, D.C. in 1987 with the General Accounting Office's audit sites at the Federal Communications Commission (FCC) and the Environmental Protection Agency (EPA). Following her selection as a Presidential Management Intern (PMI) in 1988, Nancy gained insight into management activities at the Department of Health and Human Service's Health Care Financing Administration, which oversaw Medicare and Medicaid operations.

Nancy concluded her rotations in the PMI program as a fellow in the Office of Senator Tom Daschle, where she ultimately accepted a legislative staff position.

A sixteen year veteran of Senator Daschle's staff, Nancy held a variety of positions in the legislative, scheduling, and constituent outreach functions of the office. She was named Deputy Chief of Staff following Senator Daschle's election as Democratic Leader. Most recently, Nancy has served as the Democratic Representative in the Senate Sergeant at Arms (SAA) office, a position appointed by Senator Harry Reid.

FROM : LINDA MARIANO
Jul 13 09 07:17p

PHONE NO. : 7048952899

May. 15 2010 07:58PM P2

04/04/2009 14:27

2025572574

NANCY

PAGE 02

NANCY ERICKSON
SECRETARY

SUITE S-312
THE CAPITOL
WASHINGTON, DC 20540-0000
(202) 224-2822

United States Senate
OFFICE OF THE SECRETARY

March 9, 2009

Mr. Wayne E. Matthews
713 Bonnie Meadow Lane
Ft. Washington, MD 20744

Dear Mr. Matthews:

Thank you for your recent letter requesting confirmation on the status of H.R. 3190 from the 80th Congress.

I asked the Senate Historian's office to review the correspondence you enclosed, and they were able to verify that no action was taken by the Senate on H.R. 3190 prior to the December 19, 1947 *sine die* adjournment. I have enclosed relevant pages from the *House Journal* and *Congressional Record* for your reference.

Sincerely,



Nancy Erickson
Secretary of the Senate

NE:rwg

Enclosures

PHONE NO. : 7048952899

May. 15 2010 07:59PM P3

[DOCID: f:hc241rds.txt]
106th CONGRESS
2d Session
H. CON. RES. 241

IN THE SENATE OF THE UNITED STATES

January 27, 2000

Received

CONCURRENT RESOLUTION

Providing for a joint session of Congress to receive a message from the President on the state of the Union.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, January 27, 2000, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Passed the House of Representatives January 27, 2000.

Attest:

JEFF TRANDAHL,

Clerk.